

CHAPTER 13

SPOUSES AND MEMBERS OF HOUSEHOLD

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MARRIAGE

When a Foreign Service employee marries, the following documents must be submitted within 30 days of the marriage:

- a) Residence and dependency report (OF-126 or AID 490-2). The appropriate agency official will advise the employee of the opportunity to enroll or change enrollment in the health benefit and life insurance programs;
- b) SF-86 Questionnaire for Sensitive Positions (or other personnel security questionnaire used by participating federal agencies);
- c) A certified copy of the divorce decree or other evidence of the termination of any former marriage of either the employee or the spouse.

Within 90 days of the marriage, a medical examination must be completed for the spouse and any newly acquired dependents.

Employees who intend to marry a foreign national must inform their employing agency at least 120 days prior to the expected date of the marriage. The reporting procedures are listed in 3 FAM 629.2-2 to 629.2-8 (Changed to Chapter 4100, Appendix B-3). The employee must submit through his/her personnel officer at post the forms listed above as well as

- 1. Memorandum of intent
- 2. Counseling memorandum
- 3. OF-174 (the FSN employment application used by Diplomatic Security) or the SF-86 (Questionnaire for Sensitive Positions).
- 4. Biographical sketch on intended spouse and family

Foreign Service or Civil Service employees who marry foreign nationals without providing the required advance notification are liable for consideration of disciplinary action against them in accordance with 3 FAM 762(d).

Expeditious Naturalization

There is no requirement that a foreign-born spouse become naturalized. However, if the spouse wishes to be naturalized and the employee is scheduled for an overseas tour that will last at least one full year after the date of naturalization, they can request expeditious naturalization. Ninety days advance notice must be given to the employing agency that will provide the necessary forms and information, as some Immigration and Naturalization Service (INS) offices will require up to 90 days to complete paperwork. The naturalization hearing will be scheduled within 60 days (45 days only at the Arlington, VA, branch of INS) of the time the spouse will travel to post. Spouses of employees with less than one year of their overseas assignment remaining, or those returning to the United States, are not eligible for expeditious naturalization.

SPOUSAL RIGHTS AND RESPONSIBILITIES

All members of a Foreign Service family enjoy privileges. As with any official situation, however, certain rules and regulations apply. In 1972, the Department of State issued a "Policy on Wives of Foreign Service Employees." The policy now applies to male spouses and other eligible family members (EFMs), as well as to wives. Key points include:

- EFMs are private individuals, not U.S. Government employees, so they cannot be required to perform official duties
- Likewise, the U.S. Government cannot insist that family members carry out representational responsibilities (hold or attend social events on behalf of the government)
- Family member participation in charitable activities, clubs, and social gatherings is strictly voluntary
- No EFM has authority over eligible family members of other families (family members are not ranked according to employees' positions)
- Family members cannot be evaluated as part of employees' official performance reports
- Family members are required to behave in a manner "which will not reflect discredit on the United States."

In other words, Foreign Service family members do not have to participate in embassy activities overseas, although many family members find such participation to be both enjoyable and worthwhile. As per the last point above, family members do have to follow certain ethical guidelines. These are contained in an Office of Inspector General

publication, *Standards of Conduct: A Guide to Ethical Conduct for Department of State Employees in the United States and Abroad*.

In brief, family members overseas:

- Cannot accept items of monetary value (gifts, favors, entertainment) from people seeking official action by or trying to do business with the Department of State
- Cannot make local investments while at post (including real estate, except for personal occupancy; stocks, bonds, or shares of companies headquartered in the country; and so on)
- Cannot participate in partisan political activities of the host country

Many other policies and regulations apply to family members (otherwise, the U.S. Government could not pay for family members to travel to post, for instance). Family members may be most affected by those relating to employment (See Chapter 14, “Family Member Employment Overseas”) outside of the U.S. embassy. Family members who encounter unusual-sounding requirements should ask for the relevant reference in the *Foreign Affairs Manual* (<http://www.foia.state.gov/refer.asp>) or other authorization. Actions deemed correct by "common knowledge" could be mistaken.

MEMBERS OF HOUSEHOLD

A Member of Household (MOH) is an individual who accompanies a Foreign Service employee to post but is not on the employee’s official travel orders; this individual falls outside of the Department of State’s current legal and statutory definition of an eligible family member. The Department of State does not determine MOHs. It is up to the employee to identify an MOH to post management as someone who will reside with the officer during his/her tour of duty at post. MOHs may include elderly family members, other relatives of the employee, same and opposite sex partners, and adult dependents over the age of 21 who do not have any special needs. (Note: A Foreign Service child could still be on travel orders ages 21–23 if the child continues to receive the education travel allowance until he/she turns 23 or graduates from undergraduate studies. In addition, the family member may still be on travel orders until the age of 23 if he/she has served in the military; he/she would not have been considered a dependent during his/her military service and can extend his/her period of eligibility by the number of years of service, for education travel allowances only, provided it is established that the family member would normally live with the employee/parent if not attending college.) There is no limit on the number of people an employee may declare as an MOH.

Rights

An MOH who has been declared to the Chief of Mission possesses the right to limited support and assistance. State Telegram 242724 of December 26, 2000, provides guidance to Chiefs of Mission on how to accommodate MOHs and make them feel welcome at post. While State Telegram 242724 does not confer any special status on any MOH, it does outline a number of practices affecting the members of employees’ households that

are currently authorized but are not being uniformly applied to all MOHs at U.S. missions abroad. Following are some of the issues it addresses:

- MOHs are to be provided assistance in obtaining appropriate residency permits and travel visas in accordance with local laws.
- All U.S. citizen MOHs shall be included in the mission warden system.
- Employees are encouraged to complete emergency locator cards for their MOHs.
- MOHs have access to CLO and FLO-sponsored activities and programming that are not precluded by current regulation or policy.
- With their permission and at the employee's request, MOHs are included in post telephone and address listings.
- MOHs are allowed to compete for local-hire positions within the mission for which they qualify. (See "Limitations.")
- MOHs may participate in all events officially sanctioned by post on the same basis as family members.

Limitations

While State Telegram 242724 outlines the support and assistance available to an MOH, it remains that certain privileges and allowances may only be extended to family members as defined in laws, regulations, and interpretations. An MOH should expect limitations on his/her activities or rights in regard to life in the Foreign Service. Some of these include:

- The U.S. Government does not reimburse those accompanying Foreign Service employees on overseas assignments who are not on the employee's orders for travel to post and all other related travel (home leave/transfer/vacation).
- MOHs are not eligible to receive the same benefits as employees such as health insurance, life insurance, and retirement annuity,
- The post health unit is restricted from providing medical care to MOHs.
- For purposes of qualifying for an education allowance, a child of a domestic partner will generally not be considered a family member "child" under the definition in Standard Regulations 271g and 040m. This is unless the employee has adopted the child.
- Regarding employment, because MOHs do not hold A-1 diplomatic visas, current regulation precludes them from inclusion under de facto work arrangements and negotiated bilateral work agreements. In some missions it will also preclude them from working at the mission unless they have been able to negotiate a valid work permit. As residents abroad, without diplomatic status, MOHs are subject to the employment regulations of the host country.
- MOHs are not included as official family members on orders. In contingency situations, MOHs are therefore not entitled to evacuation Subsistence Expense Allowance (SEA) benefits. In the event of an evacuation, an MOH would be provided evacuation services through the American Citizen Services Office at post under the auspices of the Bureau of Consular Affairs, only if the MOH is a U.S. citizen. The MOH would be required to pay for the costs of transportation from post.

Notwithstanding these limitations, MOHs are considered to be part of the larger family of the U.S. mission. The focus of State Telegram 242724 is for them to be treated as such.

RESOURCES

Organizations

Associates of the American Foreign Service Worldwide (AAFSW)

5125 MacArthur Blvd., NW, Suite 36

Washington, DC 20016

Tel: 202-362-6514

Fax: 202-362-6589

Email: aafsw@starpower.net

Website: <http://www.aafsw.org>

AAFSW is a private, non-profit membership organization dedicated to serving the Foreign Service community. It is primarily made up of Foreign Service family members. The AAFSW web site is full of information; of particular interest is the "Livelines" e-group, a forum for members of the Foreign Service community to ask questions and share experiences.

Gays and Lesbians in Foreign Affairs Agencies (GLIFAA)

Internet: <http://www.glifaa.org>

GLIFAA is the officially recognized employee organization representing the concerns of gays and lesbians in the foreign affairs agencies. GLIFAA members include Foreign Service, Civil Service, and associated members who serve in Washington, D.C., and at numerous U.S. diplomatic and consular posts worldwide.

Bureau of Consular Affairs

This bureau provides information for U.S. citizens living abroad. Information can be obtained from its Internet Web site regarding a number of crucial issues, including: medical issues, help for Americans abroad, citizenship and nationality, lists of doctors/hospitals abroad, and voting assistance abroad.

Website: <http://www.travel.state.gov>

Publications

Fenzi, Jewell, with Carl L. Nelson. *Married to the Foreign Service: An Oral History of the American Diplomatic Spouse*. New York: Twayne Publishers, 1994. A history of Foreign Service women (especially wives) in the twentieth century, with excerpts from oral history interviews.

Hughes, Katherine L. *The Accidental Diplomat: Dilemmas of the Trailing Spouse*. Putnam Valley, NY: Aletheia Publications, 1999. A sociological study of Foreign Service wives, based on interviews.

Bender, Margaret. *Foreign at Home and Away: Foreign-Born Wives in the U.S. Foreign Service*. 2002. Available from the Association for Diplomatic Studies and Training. (<http://www.adst.org>) On the challenges that confront foreign-born spouses of U.S. Foreign Service officers. Also provides important insight on the demands faced by all Foreign Service spouses.

Sexual Orientation and the State Department: Answers to Frequently Asked Questions. Contact GLIFAA at <http://www.glifaa.org>.

Foreign Affairs Manual
<http://www.foia.state.gov/refer.asp>